

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

TRANSMITTAL		Docket Number: 10020/26301	
Application Number 10/810,853	Filing Date March 29, 2004	Examiner Ronald D. Lafond	Art Unit 1792
Invention Title METHOD AND APPARATUS FOR DEPOSITING MATERIAL WITH HIGH RESOLUTION		Inventor(s) FORREST et al.	

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on:
Date: April 29, 2008
Signature: /Helen Tam/
Helen Tam

Transmitted herewith for filing is a response to the Restriction Requirement mailed on January 29, 2008, for the above-identified application.

Applicants respectfully request a **two-month** extension of time in which to respond to the Restriction Requirement mailed January 29, 2008 for which a one-month response period, expiring on February 29, 2008, was set. The two-month extended period for response expires on April 29, 2008. Please charge the 37 C.F.R. § 1.136(a) **two-month extension fee of \$460.00**, and any additional fees that may be required, to **Deposit Account No. 11-0600**.

A duplicate copy of this transmittal letter is enclosed for accounting purposes.

Dated: April 29, 2008

By: Respectfully submitted,
/Kevin T. Godlewski/
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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
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RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

SIR:

This is in response to the January 29, 2008, Office Action in the above-identified application, in which Applicants were required to restrict the claims to one of the following groups of claims:

- (I) Claims 1 - 14, drawn to a coating apparatus, classified in class 118, subclass 669.
- (II) Claims 15 - 21 and 30 - 33, drawn to a method of fabricating a coating apparatus, classified in class 216, subclass 52.
- (III) Claims 22 - 29, drawn to a method of coating, classified in class 427, subclass 162.

Applicants hereby elect *with traverse* Group I, claims 1-14. The Examiner contends that the inventions are distinct because the devices of Group I may be made by methods other than the methods of Group II, and Applicants respectfully disagree. There is no feasible method known to the applicants, other than that described in the present specification, to produce a nanoscale reservoir surrounded by cladding. Furthermore, Applicants are not aware of any use for the devices of Group I other than for the deposition of the material within the reservoir (Group III), nor any method for the directed deposition of materials at nanoscale resolution other than by use of the devices of Group I.

The Examiner contends that use of a "synthetic non-metal" cladding would constitute a "materially different" device, but in fact the use of metallic cladding is merely a preferred embodiment (see

specification, page 4, lines 3-4). For these reasons, Applicants request reconsideration and withdrawal of the restriction requirement, and examination of all claims at this time.

The Examiner has required the election of species. Applicants hereby elect species A (organic materials within the reservoir), C (piezoelectric control), and F (metal cladding). Claims in Group I directly reading on the elected species are claims 1-4, 6-10, and 13-14. Claims in Group II reading on the elected species are 15-17 and 19-21; claims in Group III reading on the elected species are 22-25, 27, and 30-31.

The Examiner has designated piezoelectric components, atomic force microscopes, and near field scanning optical microscopes (species C, D, and E) as distinct species meriting separate examination. Applicants respectfully point out that almost all atomic force and near field scanning optical microscopes rely on piezoelectric devices to perform scanning operations, and that claims 11-12, 28-29, and 32-33 will read upon species C as well. Applicants request reconsideration and withdrawal of the requirement for election of species insofar as species C, D, and E is concerned.

Conclusion

Prompt reconsideration of the restriction requirement, and examination of all claims and allowance of the present application, are earnestly solicited.

Respectfully submitted,
Kenyon & Kenyon LLP

Dated: April 29, 2008

By: /Kevin T. Godlewski/
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